

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

CARLOS SALOMON-MENDEZ,

Defendant.

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12-cr-269-1 (JGK)

ORDER

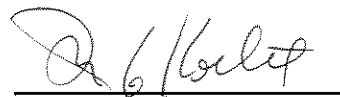
JOHN G. KOELTL, District Judge:

The Court has received the attached letter dated July 16, 2021. The defendant should not send correspondence to the Court without a copy to the Government.

The Clerk is directed to mail a copy of this Order to the Defendant at: Carlos Salomon-Mendez # 66456-054, FCI Fairton, P.O. Box 420, Fairton, NJ 08320.

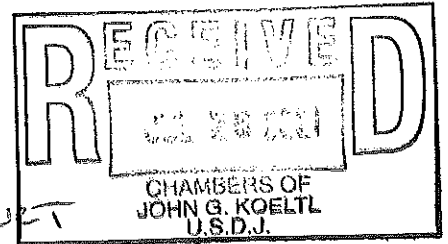
SO ORDERED.

Dated: New York, New York  
July 26, 2021



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John G. Koeltl  
United States District Judge



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Plaintiff,

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CARLOS SALOMON-MENDEZ

Defendant.

CASE NO. 12-CR-269-01(JGK)

REPLY/MEMORANDUM TO COURT

ORDER DATED JUNE 29, 2021

Comes now Carlos Salomon-Mendez, pro-se in the above captioned case and respectfully asks this honorable court to accept this motion and to consider the "urgent extraordinary and compelling reasons" as set forth in my previous motion to the court called "REPLY IN SUPPORT OF MOTION FOR COMPASSIONATE RELEASE" dated June 06, 2021 and received by the court on June 23, 2021, and to reiterate the seriousness

of my present medical conditions briefly, if  
this honorable court will allow me,

This honorable court has jurisdiction in that this  
is the court that issued my sentence. I am seeking  
this courts consideration for modification pursuant to  
3552(c)(1)(A). I have met the exhaustion requirements.

#### INTRODUCTION

I respectfully disagree with the U.S. Attorney's  
assessment of my case for several reasons as

I will briefly explain as the court has all  
of my reasons for relief in my previous motion.

The government once again and as always

uses the 3552(a) factors to state that I

do not merit relief when that is farthest  
from the "facts". My Medical Records that  
this court already has in its possession from  
"Inspira Medical Center" and yes from this  
institution clearly and without a doubt states  
by Medical proof, Lab results, and expert  
medical Doctors opinion that I am indeed  
physically ill. I suffer from and continue  
to get worse of Diabetes Mellitus - Type II,  
Hypertension (which is out of control), Retinopathy, Arthropathy,  
Osteoarthritis (knee), (Right shoulder), (MCP Joints) 1 and  
2, Plantar fascial fibromatosis (right), Enthesopathy,

right heel plantar and posterior, Enthesopathy  
Pain in unspecified foot, cyst's / Tumor of bone,

other sites right wrist ganglion cyst, Pain Neck

right side cyst / Tumor right side of Neck,

Hypercholesterolemia, and as stated before that

I now have cysts tumors starting to grow throughout

my body, these cysts / tumors are limiting my

movements of my neck and hands and also upon

my last emergency to the hospital it was

discovered by Medical test that shows that

my "kidneys" are beginning to fail, I reported this

lower side back pain and medical staff here at

Fel Tarton stated that I must be sleeping wrong and or contributed it to lower back pain.

Your Honor I am stating this to say that this institution uses the Regional Doctor from Philadelphia northeast regional office, she come about twice a month if we are lucky in the meantime I am only seen by low level medical staff, nurses, and a PA plus a dentist that are making calls determinations that can and only should be given by medical experts in those fields, here it is like having a optometrist do a brain surgery. Its impossible, unethical but yet alone Fel

Fairton gets away with it by cooking the  
books and making misdiagnoses of inmates that  
are really sick such as myself - for instances  
if you review the medical record in reference to  
my growths cysts/tumors it was recommended that  
an biopsy be performed to determine if these  
growths could possibly be cancerous but it was  
denied stating no further evaluation needed, Fel  
Fairton Medical makes guesses on inmates health  
at the cost of maybe losing your life. My  
health has been played with by Medical Staff  
here and they know that I am sick. This

is Medical negligence and deliberate indifference at the highest level. What can I do your honor, when I am told nothing is wrong with me but I have spent weeks in the hospital and when I do get sick here I'm told to file a sick call but it takes weeks to see people and at times and or are ignored, by all this I have shown the constitutional challenge of the Eighth Amendment that prohibits the infliction of cruel and unusual punishments upon persons convicted of a crime. Helling v. McKinney, 509 U.S. 25, 125 LEd 2d 22, 113 S.Ct 2475, in the sentencing factors



I have shown by medical records from  
"Inspira Medical center" (Independent of the BOP)

that my overall circumstances have changed for the  
worse - I understand your honor that you ordered  
the U.S. attorney to provide a declaration from a  
medical person here at FCI Fairton but its like  
asking the Fox to guard the henhouse their  
opinion is surely going to be biased in favor  
of themselves and the U.S. attorney. They,  
FCI Medical are not able to treat my serious  
medical condition other than to ignore the facts  
and provide bandaids for gunshot wounds.

Medical here at this particular Institution is already under fire from the OIG, BOP's internal affairs and others for failing to properly treat in all areas, not just all the covid outbreaks in which several inmates died, and also hospitalized. of course they are going to give a favorable biased report stating that they can handle all of my illnesses when in fact that is farthest from the truth. I believe the court need to look at all of their failures, law suits, OIG reports, etc to make a better more concise assessment.

I would ask that this honorable court take into account the totality of all of my circumstances. I meet all of the criteria of the 3582(c)(1)(A) statute, excluding my age but even my aging process has taken a leap for the worse. The totality of my conditions of confinement

have been beyond humane. I continue to get sick daily and no matter how much FCI Fawton cooks the books, there is only minimal care here. They cannot care for my serious medical needs nor are they equipped to do so. There is a pattern of medical negligence here at FCI Fawton, one just needs to delve a little further to see. Helling v. McKinney, 509 U.S. 25, 33, 113 S.Ct 2475, 125 L.Ed 2d 22 (1993) States: ("We have great difficulty agreeing that prison authorities may not be deliberately indifferent to an inmates current health problems, but may ignore conditions of confinement that is severe or very likely to cause serious illness or needless suffering the next week or month or year") It has been stated to me by the outside doctors that I need to get out of prison in order to get proper much needed medical care. Trop v Dulles, 356 U.S. 86, 101 (1958) (Plurality opinion), prohibits punishments "grossly disproportionate" to the severity of the offense. The U.S. Attorney is right in one area covid 19 is not going to kill me, but what will surely take me out with my heart condition is all of

my underlying health conditions, yes, I am fully vaccinated but that may not fully protect me from the new prevailing variants such as the Delta variant which has already breached the U.S. Forbes; Even after vaccine, Federal Bureau of Prisons still have covid concerns (May 31 2021). Forbes; office of Inspector General critical of Bureau of Prisons, Extensive report states (May 31),

IN CONCLUSION

This honorable court has the full authority under the 3582(C)(1)(A) statute to modify my sentence. I know that this honorable court did not sentence me to a death sentence and at this crucial time in my life my health will not allow me to live out my full sentence and the BOP will not allow me to leave on home confinement etc. they will continue to falsify medical records to show I am well and or they can care for me when that has been disproven by all of my continued hospitalizations and very complicated medical issues. I meet the 3553 sentencing factors and also the fact that by my release to home will afford me to take care of myself - pay my own medical bills thus saving the government millions of dollars that alone and my rehabilitation records warrant my release and are in the best interest of justice.

Dated July 16, 2021

(11)

Respectfully

Carlos Salomon-Mendez

Carlos Salomon-Mendez

Carlos Salomon-Mendez # 16656-054  
Federal Correctional Institution  
P.O. Box 420  
FARMER NJ 08320

16656 MFL  
Dated July 16, 2021  
TIME SENSITIVE

RECEIVED  
JUL 16 2021

UNITED STATES DISTRICT COURT CLERK FOR,  
Honorable Judge John G. Koeltl  
500 Pearl Street  
New York, NY

10007-1312

-PM

